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Letter dated 21 December 2016 from the Secretary-General addressed to the President of the Security Council

It is my honour to transmit to you a detailed summary of the report of the United Nations Headquarters Board of Inquiry that I established to review and investigate the 19 September 2016 incident involving a United Nations-Syrian Arab Red Crescent humanitarian convoy in Urum al-Kubra (Big Orem), near the city of Aleppo, Syrian Arab Republic (see annex). As widely reported at the time, the convoy was delivering humanitarian assistance to a Syrian Arab Red Crescent compound for distribution to some 78,000 persons in the area when it came under fire, resulting in the death of at least 10 persons and the injury of at least 22 persons, and the destruction of vehicles and property.

The United Nations has a responsibility to determine to the best of its ability the facts and circumstances of incidents in which its personnel are injured or killed, or in which its assets are damaged or lost. It also investigates incidents that negatively affect its operations or activities. Furthermore, in this case, there appeared to be the possibility that a United Nations operation might have been deliberately targeted in a sustained attack. Therefore, in my capacity as the chief administrative officer of the Organization, I decided to establish a Board of Inquiry to investigate the incident.

The Board of Inquiry was established on 21 October 2016 and included experts in the conflict in the Syrian Arab Republic, humanitarian operations, international law, weapons systems and munitions. It was headed by Lieutenant-General (retired) Abhijit Guha. The first meeting of the Board was held in New York, on 31 October 2016. It conducted field visits from 10 to 25 November, on 1 December and from 5 to 9 December 2016. The Board was only able to conduct field visits in the Syrian Arab Republic from 5 to 9 December, given that the issuance of visas by the Government of the Syrian Arab Republic was only confirmed on 28 November. It was not permitted to visit the scene of the incident in Urum al-Kubra, as the Government had indicated that it was unable to ensure the safety of the Board members, given the ongoing military operations at that location.

The Board submitted its report to me, through the Deputy Secretary-General, on 16 December 2016.

As with all United Nations boards of inquiry, the Board's report is an internal document and is not for public release. It contains information that was shared with the Board in strict confidence. It also contains information, the disclosure of which

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could prejudice the security or proper conduct of the Organization's operations or activities. I am aware, however, that my decision to establish the Board of Inquiry has given rise to considerable interest. I have accordingly decided to release a summary of the Board's report, which is contained in the annex to the present letter. I would emphasize that this is the Secretariat's summary of the Board's report and that it has not been prepared or approved by the Board.

The attack in Urum al-Kubra on 19 September was yet another horrific episode of the tragedy in the Syrian Arab Republic. The Board concluded that the Syrian Arab Red Crescent compound in Urum al-Kubra was subject to an attack from the air by more than one aircraft and aircraft type. The Board noted that only aircraft operating as part of the forces of the international coalition forces and aircraft of the Russian Federation and of the Syrian Arab Air Force had the capabilities needed to carry out an attack of this kind. Given that no party had alleged the involvement of aircraft of the international coalition forces, the Board concluded that their involvement was highly unlikely.

The Board indicated that it had received reports that information existed to the effect that the Syrian Arab Air Force was highly likely to have perpetrated the attack. It did not have access to raw data that would have enabled it to reach a definitive conclusion on who carried out the attack. The Board also indicated that it did not have evidence to conclude that the incident was a deliberate attack on a humanitarian target.

We, and in particular the parties involved in the conflict, owe it to the courageous humanitarian workers who risk their lives every day to help those who are most in need in the midst of conflict to shed all possible light on what occurred on that fateful day in September and to ensure that anyone guilty of wrongdoing is held responsible.

It is of fundamental importance that humanitarian personnel and relief supplies are respected and protected in times of armed conflict. In that regard, I appeal to all parties to the conflict in the Syrian Arab Republic to do everything possible and to take all possible precautions to ensure that their military operations do not kill or injure humanitarian workers or damage or destroy humanitarian supplies.

I should be grateful if you would bring the present letter and its annex to the attention of the members of the Security Council.

(*Signed*) **BAN** Ki-moon

Annex

Summary by the Secretary-General of the report of the United Nations Headquarters Board of Inquiry into the incident involving a relief operation to Urum al-Kubra, Syrian Arab Republic, on 19 September 2016

1. On 21 October 2016, I convened a United Nations Headquarters Board of Inquiry to review and investigate the incident that occurred in Urum al-Kubra (Big Orem), Syrian Arab Republic, on 19 September, which involved a relief operation conducted jointly by the United Nations and the Syrian Arab Red Crescent and which resulted in the death of and injuries to personnel of the Syrian Arab Red Crescent and other persons, as well as damage to objects used for the relief operation.

2. I appointed as head of the Board of Inquiry Lieutenant-General (retired) Abhijit Guha, a former military adviser in the Department of Peacekeeping Operations and member of the High-level Independent Panel on Peace Operations. The other Board members were Catherine Bragg, former Assistant Secretary-General for Humanitarian Affairs; Khawla Mattar, the Deputy Executive Secretary of the Economic and Social Commission for Western Asia and former Director of the Damascus Office of my Special Envoy for Syria; Leila Benkirane, former Chef de Cabinet at the United Nations Office at Geneva and former legal officer in the Office of Legal Affairs; and Jeremy Smith, a weapons specialist.

3. The Board held meetings in New York, Geneva, London, Ankara and Washington, D.C., in which it met with representatives of France, Iran (Islamic Republic of), the Russian Federation, the Syrian Arab Republic, Turkey, the United Kingdom of Great Britain and Northern Ireland and the United States of America. The Board submitted to those States a standardized request for information on the military-related elements of the inquiry, such as air and ground operations in the vicinity of Urum al-Kubra at and around the time of the incident, and the civil-military coordination of the convoy, including measures taken to prevent or reduce the risk of attacks on humanitarian assets.

4. The Board was only able to conduct field visits in the Syrian Arab Republic from 5 to 9 December 2016, given that the issuance of visas by the Government of the Syrian Arab Republic was only confirmed on 28 November 2016. The Board travelled to Damascus, where it met with representatives of the Government of the Syrian Arab Republic, including the High Relief Committee, Syrian Arab Red Crescent Damascus and the United Nations country team. At the Embassy of the Russian Federation in Damascus, the Board also met with military officers from the Russian military airbase in Humaymim. In west Aleppo city, the Board met the Governor of Aleppo, members of the local relief committee and the commanding general of the Russian Reconciliation Centre in Humaymim. The Board also interviewed primary witnesses in west Aleppo. The Board was not permitted to visit the scene of the incident in Urum al-Kubra, as the Government had indicated that it was unable to ensure the safety of the Board members, given the ongoing military operations at that location. In that regard, the Board noted that, by then, 11 weeks had elapsed since the date of the incident, and at that point damaged vehicles had

been removed and some destroyed structures had been repaired or rebuilt. Subsequent actions had therefore adversely affected the integrity of the site of the incident and, consequently, the availability of physical evidence. A visit to the site therefore might not have yielded commensurate results. The Board accordingly developed alternative methods of evidence collection.

5. The Board met with the members of the High Negotiations Committee of the Syrian Revolutionary and Opposition Forces and the National Coalition of Syrian Revolutionary and Opposition Forces. The Board also met with representatives of armed opposition groups. It interviewed primary witnesses (eye witnesses) in Gaziantep and Reyhanli, Turkey.

6. The Board also collaborated with the Operational Satellite Applications Programme of the United Nations Institute for Training and Research, which provided technical capabilities to analyse satellite imagery and ground photography.

7. The Board used the following materials and methods to arrive at its findings: (a) satellite images; (b) over 370 photographs and videos; (c) interviews conducted by the Board of 16 persons who were either eye witnesses to the incident or who were in the vicinity of Urum al-Kubra on the evening of 19 September 2016; (d) interviews conducted by the Board of 19 secondary witnesses, including United Nations personnel and representatives of armed opposition groups; (e) information from Member States, including information on their air assets; (f) air tracks provided by the Government of the Syrian Arab Republic; (g) an oral briefing by the Government of the Syrian Arab Republic regarding their national investigation into the incident, which was ongoing, together with copies of autopsy reports; (h) information from the Syrian Arab Red Crescent; (i) documents from the United Nations country team; and (j) open-source information.

8. The Board declined to accept physical evidence, such as munitions remnants that were alleged to be from the site of the incident, given that the chain of custody for the items could not be established.

9. The Board placed great emphasis on evaluating each piece of data for the reliability of the source and credibility of the information. The Board's findings were based on information and evidence that was corroborated by more than one source. Materials received from Member States were used solely to corroborate material collected by the Board or to gain a better understanding of the situation on the ground. The Board did not base any of its findings solely on information provided by only one Member State.

Urum al-Kubra

10. The town of Urum al-Kubra is located approximately 15 kilometres west of Aleppo city. Its population was approximately 6,700 persons at the time of the incident. Residents considered Urum al-Kubra to be relatively safe in the context of the wider area and the Syrian conflict.

11. The Syrian Arab Red Crescent compound, the site of the incident, is located approximately 1.5 kilometres east of the town of Urum al-Kubra. It consists of mixed light industry and dwellings. The compound is located alongside highway 60, the primary road between Aleppo and Idlib. Highway 60 was one of the two primary lines of communication, the other being the M5 highway, which runs south to

Hamah and Homs, that could be used by armed opposition groups to move military materiel, equipment and personnel to front-line areas in Aleppo.

12. The Syrian Arab Red Crescent compound was well known as the main warehouse in the area and had been used consistently for the delivery and storage of humanitarian aid for distribution to Urum al-Kubra and other areas in the Atarib district. The last United Nations-Syrian Arab Red Crescent-International Committee of the Red Cross humanitarian operation to the area before the incident had taken place on 21 July 2016, when aid was delivered for some 50,000 beneficiaries.

13. On the date of the incident, Urum al-Kubra was under the control of armed opposition groups, with Jaysh al-Mujahidin being the predominant group in the area. The Board was informed that other groups, including Nur al-Din al-Zanki, also had a presence there. In addition, the Board received reports of a Jabhat al-Nusra presence in the area.

Convoy

14. Requests to deliver humanitarian aid to Urum al-Kubra from Government-controlled areas were consistently included in monthly requests to the Government. In the case of the convoy concerned, a request to deliver humanitarian aid to Urum al-Kubra was included in the inter-agency plan for the month of September that was submitted by the United Nations to the Ministry of Foreign Affairs of the Syrian Arab Republic. The intention was to bring items from Government-controlled west Aleppo, where the United Nations country team had its offices and supplies, to the Syrian Arab Red Crescent compound in Urum al-Kubra, from where it would be distributed to 78,000 beneficiaries in Urum al-Kubra and its surroundings; the aid was to be contributed by the International Organization for Migration, the Office of the United Nations High Commissioner for Refugees, the United Nations Population Fund, the United Nations Children's Fund, the World Food Programme and the World Health Organization; and the operation was to be coordinated by the Office for the Coordination of Humanitarian Affairs. The original intention was that the International Committee of the Red Cross would also participate, but it informed the United Nations shortly before 19 September 2016 that it could no longer take part, given that it did not have sufficient stocks in Aleppo.

15. Based on the initial approval for the convoy, as communicated by the Ministry of Foreign Affairs, contracts were entered into with two commercial entities to transport the supplies. The United Nations, in consultation with the Syrian Arab Red Crescent, then informed the Governor of Aleppo and the Ministry of Foreign Affairs of the implementation dates regarding the convoy. After approval of the dates, the Aleppo Security Committee of the Office of the Governor monitored the loading of the trucks from its commencement until its completion. The trucks were then sealed in the presence of the members of the Aleppo Security Committee. The Governor issued facilitation letters for the convoy to pass through Government-controlled checkpoints after the loading was completed. This was done just after midnight on 19 September 2016.

16. In areas under the control of armed opposition groups, the relevant branch of the Syrian Arab Red Crescent was responsible for obtaining assurances of safe passage for convoys from the armed opposition groups concerned and making the necessary arrangements with them. On 18 September 2016, the Syrian Arab Red

Crescent Aleppo informed the United Nations that its branch in Urum al-Kubra had obtained approval from Jaysh al-Mujahidin for the convoy to proceed. This was confirmed in writing during the course of the following morning.

17. The convoy, which consisted of a total of 31 trucks, left western Aleppo city in the morning on 19 September 2016. There were United Nations banners on the front and sides of each truck. The convoy was accompanied by a United Nations team and a team from the Syrian Arab Red Crescent Aleppo, until it reached the last security checkpoint in the Government-controlled area. The United Nations team then returned to its offices. It had originally been hoped that the team would be able to accompany the convoy to its destination. However, it was reported that the Governor of Aleppo had not given his approval for this and that it was then decided that the team should not proceed any further. The Board was informed that the Governor had twice verbally told the United Nations that its team could not proceed beyond the last Government checkpoint. The Governor and the Government of the Syrian Arab Republic both denied this.

18. The team from the Syrian Arab Red Crescent Aleppo then accompanied the convoy to the first checkpoint that was operated by armed opposition groups. From there, accompaniment of the convoy was handed over from the Syrian Arab Red Crescent Aleppo team to its Urum al-Kubra team, in the usual way.

19. From that checkpoint, the armed opposition group Jaysh al-Mujahidin provided an armed escort to the convoy to its destination at the Syrian Arab Red Crescent compound in Urum al-Kubra. The same armed group had been escorting similar humanitarian deliveries in Urum al-Kubra for the previous two years. It also informed and coordinated with other armed groups in the area.

20. The trucks and their cargo were inspected at all checkpoints.

21. The Board was informed that Jaysh al-Mujahidin had requested that the convoy move in groups of five, so that it would not block the flow of traffic on highway 60. When the first group of trucks arrived close to the second checkpoint that was operated by armed opposition groups, it was met by masked armed men who wanted to take some of the supplies on the convoy. A dispute followed between the men and the Syrian Arab Red Crescent Urum al-Kubra team. Following the dispute, three trucks were diverted by the armed men. One of the trucks was fully offloaded, while the remaining two were partially offloaded. The three trucks were then released and allowed to proceed to the compound in Urum al-Kubra.

22. As part of the deconfliction process, separate communications were sent to the Russian Federation and to the forces of the United States-led international coalition to counter Islamic State in Iraq and the Levant (international coalition forces) confirming the date of the mission, its route, GPS coordinates, the number of trucks and a map. Regular verbal and written updates were provided on the movement of the convoy.

23. The convoy arrived at the Syrian Arab Red Crescent compound in Urum al-Kubra at 1345 hours local time on 19 September 2016. The armed escort provided by Jaysh al-Mujahidin ended at that point, and responsibility for the security of the convoy passed to the local police, which had a station nearby. Offloading of the trucks then began.

24. The Board found that the United Nations had complied with all applicable procedures relating to the arrangement and movement of the convoy. In particular, it had sought and obtained all the necessary approvals from all levels of the Government of the Syrian Arab Republic and had coordinated all aspects of the operation with the representatives of the Government. Appropriate coordination had been carried out with the Syrian Arab Red Crescent and the necessary assurances for safe passage had been provided by the armed opposition groups in the area. All necessary deconfliction measures were also taken before, during and after the incident with all parties concerned.

25. The Board noted that it could not gain a full understanding of the coordination measures employed by the Syrian authorities and that it was not evident from the answers that it had received to its questions that the Syrian Arab Air Force was informed of the convoy.

26. The Board found that the convoy was purely humanitarian in nature and noted that there were no reports of any tampering with the trucks or the supplies other than the full or partial offloading of the three trucks that were diverted.

Attack

27. The Board found that, between 1915 and 1945 hours local time on 19 September 2016, the Syrian Arab Red Crescent compound was subject to an attack from the air, with multiple types of munitions deployed from more than one aircraft and aircraft type. The munitions used included non-precision unitary bombs and/or smaller blast-incendiary air-to-ground weapons, which could have been missiles, rockets or sub-munition bomblets. The primary evidence for this conclusion came from an analysis of satellite and ground imagery, videos and eyewitness statements. Corroboration came from information provided by Member States and witness interviews, as well as open-source research conducted by the Board.

28. In reaching this conclusion, the Board considered and rejected the possibilities that the incident had been caused by direct fire or ground assault, either by Government forces or by armed opposition groups, or by ground-delivered improvised explosive devices, or by indirect fire, either by Government forces or by armed opposition groups. It also considered and rejected the possibility that it was a staged event or a hoax.

29. A total of eight possible major impact points within and near the compound were identified by the Board, with further multiple smaller impacts to the northwest. The southwestern, southern and eastern walls of the compound were damaged and buildings had collapsed. Extensive damage had also been done to a wall on the opposite side of highway 60.

30. The Board found that 17 trucks from the convoy had been involved in the incident. Eight of them showed significant fire damage, some having been completely consumed. A car identified by witnesses as the one used by the Head of the Syrian Arab Red Crescent Urum al-Kubra had also been involved in the incident and was heavily damaged.

31. At least 10 individuals died, including five drivers who had been part of the convoy and the head of the Syrian Arab Red Crescent Urum al-Kubra. At least 22 individuals were injured, including a further five drivers.

32. Most of the humanitarian supplies carried by the convoy were damaged or destroyed in the incident, with the losses of the United Nations country team totalling almost $650,000. A further $96,000 of supplies was lost to the masked armed men who diverted three of the trucks. The Board was not provided with any information on the value of the losses sustained by the Syrian Arab Red Crescent or by the contractors whose vehicles had been destroyed or damaged.

33. Initial reports that a medical clinic had been destroyed notwithstanding, the Board found no evidence of a medical clinic neighbouring the Syrian Arab Red Crescent compound.

34. The Board noted that it was possible that three other buildings, within 1,500 metres of the Syrian Arab Red Crescent compound, were also damaged on the evening of 19 September 2016. One of them was 400 metres from the compound.

Attributability of the incident

35. The Board found that, while the incident was caused by an air attack, it was not possible to identify the perpetrator or perpetrators.

36. The area immediately around the Syrian Arab Red Crescent compound had been hit on at least two occasions in the period between 26 June and 1 September 2016, with two separate groups of buildings, located between 55 and 140 metres away, having been attacked, most likely from the air. The Board considered that the location of the compound, on the outskirts of a populated area, in an industrial zone and astride one of the two primary roads leading to southwestern Aleppo, made it a realistic possibility that the buildings around it were used by armed opposition groups prior to the date of the incident. The Board therefore considered that it had most likely been attacked by pro-Government forces.

37. The Board noted that aircraft operating as part of the forces of the international coalition forces and aircraft of the Russian Federation and of the Syrian Arab Air Force all had the capabilities needed to carry out an attack of the kind that had occurred on 19 September 2016, including at night. Armed opposition groups did not have the capability to carry out air attacks.

38. The Board also noted that no party had alleged the involvement of aircraft of the international coalition forces and, as such, their involvement was highly unlikely.

39. The Board indicated that it had received reports that information existed to the effect that the Syrian Arab Air Force was highly likely to have perpetrated the attack and, furthermore, that the attack had been carried out by three Syrian Mi-17 model helicopters, followed by three unnamed fixed-wing aircraft, with a single Russian aircraft also suspected of being involved. However, the Board did not have access to raw data to support those assertions and, in the absence of such data, it was unable to draw a definitive conclusion. Moreover, the Governments of both the Russian Federation and the Syrian Arab Republic denied all allegations of their involvement in the incident.

40. The Board noted in this connection that there were technical issues pertaining to a hypothesis of the incident having been a result of a joint Syrian Arab Air Force-Russian Federation strike. The Board was informed that that the Russian Federation did not conduct joint strikes. A high degree of interoperability and coordination would be required for two air forces to operate in the same airspace, targeting the same location.

41. The Board reviewed an excerpt of video footage, purported to be from an unmanned aerial vehicle, showing an armed opposition group vehicle towing what was claimed to be a heavy weapon alongside the convoy. In the video, the convoy appeared to be stationary, parked on a dual-carriageway road. The recording paused as the vehicle was alongside the convoy in the village of Khan al-Assal, more than 6 kilometres east of the site of the incident site. However, in the absence of any other corroborating evidence, the Board indicated that it could not find any material link with the incident.

42. The Board indicated that it did not have evidence to conclude that the incident was a deliberate attack on a humanitarian target.

Other conclusions

43. The Board noted that, while humanitarian convoys, by their very nature, operate in circumstances that expose them to a significant degree of danger, the United Nations had complied with all applicable procedures, protocols, rules and regulations to mitigate them.

44. The Board also noted that it had faced several constraints, in particular the limited time available to it to investigate the incident, as well as with regard to the integrity of the site after the incident and access to all pertinent information. Member States were at times also constrained in their capacity to provide the level of detail that the Board required, given that they had insufficient time to declassify information to provide to the Board as evidence.